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Attorneys for Defendants
State of California by and through California
Highway Patrol and Officer Ramon Silva

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SANDRA KIRKMAN AND
CARLOS ALANIZ,
INDIVIDUALLY AND AS
SUCCESSORS-IN-INTEREST TO
JOHN ALANIZ, DECEASED,

Plaintiff,

v.

STATE OF CALIFORNIA;
RAMON SILVA; AND DOES 1-10,
INCLUSIVE,

Defendant.

Case No.: 2:23-cv-07532-DMG-SSC

NOTICE OF APPEAL

Courtroom: 8C
Judge: Hon. Dolly M. Gee

Complaint Filed: July 28, 2023
Trial Date: April 15, 2025

Notice is hereby given that defendant Ramon Silva and the State of California by and through the California Highway Patrol (State) appeal to the United States Court of Appeals for the Ninth Circuit from the district court's March 5, 2025 order denying, in part, defendants' summary judgment motion. *See* Doc. 75.

Silva appeals from the district court's order denying him qualified immunity on plaintiff's Fourth Amendment force-based based 42 U.S.C. § 1983 claim. *See Williams v. City of Sparks*, 112 F.4th 635, 642 (9th Cir. 2024) (appellate jurisdiction to review interlocutory appeals to orders denying qualified immunity).

1 Silva and the State also appeal from the district court’s denial of summary
2 judgment on the state law Bane Act claim because that claim is “inextricably
3 intertwined” with the district court’s denial of qualified immunity to Silva on the
4 § 1983 claim asserting a Fourth Amendment violation. *See Williamson v. City of*
5 *Nat’l City*, 23 F.4th 1146, 1151 (9th Cir. 2022) (“We have jurisdiction over the
6 denial of summary judgment on Williamson’s Bane Act claims under the doctrine
7 of pendent appellate jurisdiction because the rulings related to that claim and
8 Williamson’s Section 1983 claim are inextricably intertwined. *See Huskey v. City*
9 *of San Jose*, 204 F.3d 893, 903-04 (9th Cir. 2000).”).

10 Silva and the State also appeal from the denial of summary judgment on
11 plaintiffs’ state law battery claim because that claim is “inextricably intertwined”
12 with the district court’s denial of qualified immunity to Silva on the § 1983 claim
13 asserting a Fourth Amendment violation. *Huskey*, 204 F.3d at 903-04; *see*
14 *Cunningham v. Gates*, 229 F.3d 1271, 1285 (9th Cir. 2000) (inextricably
15 intertwined issues are those where “resolution of the issue properly raised on
16 interlocutory appeal necessarily resolves the pendent issue”); *Hayes v. Cty. of*
17 *San Diego*, 736 F.3d 1223, 1232 (9th Cir. 2013) (“Claims of excessive force
18 under California law are analyzed under the same standard of objective
19 reasonableness used in Fourth Amendment claims.”); *K.C.R. v. Cty. of Los*
20 *Angeles*, 2015 U.S. Dist. LEXIS 191500, at *30 (C.D. Cal. Jan. 28, 2015)
21 (California “state law tort of battery is inextricably intertwined with the analysis
22 of the Section 1983 claim. The analysis of the reasonableness of force is the
23 same under both California and federal law.”) (simplified).

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1 Attached to this notice is a Representation Statement.

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3 Dated: March 10, 2025

Dean Gazzo Roistacher LLP

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By: /s/ Lee H. Roistacher

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Lee H. Roistacher

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Attorneys for Defendants

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State of California by and through

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California Highway Patrol and

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Officer Ramon Silva

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**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 6. Representation Statement

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form06instructions.pdf>

Appellant(s) *(List each party filing the appeal, do not use “et al.” or other abbreviations.)*

Name(s) of party/parties:

California Highway Patrol Officer Ramon Silva and State of California by and through California Highway Patrol

Name(s) of counsel (if any):

Lee H. Roistacher, Esq.; Dean Gazzo Roistacher LLP

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Is counsel registered for Electronic Filing in the 9th Circuit? ☒ Yes ☐ No

Appellee(s) *(List only the names of parties and counsel who will oppose you on appeal. List separately represented parties separately.)*

Name(s) of party/parties:

Sandra Kirkman and Carlos Alaniz, individually and as Successors-in-Interest to John Alaniz, Deceased

Name(s) of counsel (if any):

Dale K. Galipo, Esq.
Cooper Alison-Mayne, Esq.
Law Offices of Dale Galipo

Address: 21800 Burbank Boulevard, Suite 310, Woodland Hills, CA 91367

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To list additional parties and/or counsel, use next page.

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

Continued list of parties and counsel: *(attach additional pages as necessary)*

Appellants

Name(s) of party/parties:

Name(s) of counsel (if any):

Address:

Telephone number(s):

Email(s):

Is counsel registered for Electronic Filing in the 9th Circuit? ☒ Yes ☐ No

Appellees

Name(s) of party/parties:

Name(s) of counsel (if any):

Address:

Telephone number(s):

Email(s):

Name(s) of party/parties:

Name(s) of counsel (if any):

Address:

Telephone number(s):

Email(s):

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